

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of:
Judkins, Ren

Application No. 10/568,027

Filed: February 10, 2006

For: METHOD AND APPARATUS FOR
MAKING CELLULAR MATERIAL
USING SLOW CURE ADHESIVES

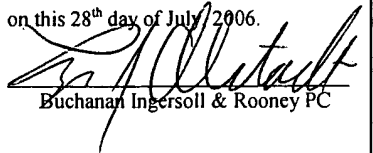
Examiner:

Group Art Unit:

I hereby certify that this
correspondence is being submitted via
first class mail addressed to:

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

on this 28th day of July 2006.


Buchanan Ingersoll & Rooney PC

RENEWED PETITION UNDER 37 C.F.R. 1.497(d)

MAIL STOP PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully submit this Renewed Petition Under 37 C.F.R. 1.497(d) for correction of inventorship in the above-referenced United States patent application. Through error and without deceptive intent on his part, one inventor, John D. Rupel, was not named. The only change being made is to correct the inventorship. Ren Judkins, the Assignee and only named inventor, is in agreement and has consented to the change. The inventorship issue is not contested.

This petition was initially filed on March 27, 2006 as a "Request for Correction of Inventorship Under 37 C.F.R. § 1.4(a)." A copy of that request is incorporated by reference herein and included in its entirety as Appendix A. A Decision on Petition was mailed by the Office of PCT Legal Administration on June 14, 2006. A copy of that Decision is attached as Appendix B. On page 2, the Decision states "[A]pplicant is required to file a compliant oath or declaration pursuant to 37 C.F.R. 1.497(a) which identifies, and is executed by, both inventors." Included herewith as Appendix C is a Declaration pursuant to 37 C.F.R. 1.497(a) which identifies and is executed by both inventors. Applicants respectfully submit that, in light of

submission of this Declaration, the Petition is in condition for allowance. Correction of inventorship to include both Ren Judkins and John D. Rupel is requested.

It is believed that no additional petition fee is required for this renewed Petition. In the event that a renewed petition fee or extension of time is required, kindly deduct the fee for same from Deposit Account No. 02-4800 in the name of Buchanan Ingersoll PC.

Respectfully submitted,

Dated: July 28, 2006

By:



Lynn J. Alstadt
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of:
Judkins, Ren

Application No. 10/568,027

Filed: February 10, 2006

For: METHOD AND APPARATUS FOR
MAKING CELLULAR MATERIAL
USING SLOW CURE ADHESIVES

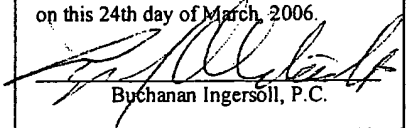
Examiner:

Group Art Unit:

I hereby certify that this
correspondence is being submitted via
facsimile addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

on this 24th day of March, 2006.


Buchanan Ingersoll, P.C.

REQUEST FOR CORRECTION OF INVENTORSHIP UNDER 37 CFR 1.48(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests correction of the inventorship in the above-identified patent application. Through error, and without deceptive intent on his part, one inventor, John Rupel, was not named. The only change being made in the patent application is to correct the inventorship. Ren Judkins, the only named inventor, is in agreement, and the inventorship issue is not contested.

Statements from the added inventor and the current named inventor and a signed declaration are attached to this Request, as is the fee under 37 CFR 1.17(i).

A requisite fee in the amount of \$130.00 is believed due and PTO-2038 authorizing that amount is included. The Commissioner is authorized to debit any insufficiency from or credit any overage to the correct amount to Deposit Account No. 02-4800.


CONCLUSION

Based upon the foregoing information, it is respectfully requested that the inventorship be corrected to add John Rupel as a co-inventor.

Respectfully submitted,

Dated: March 24, 2006

By:


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

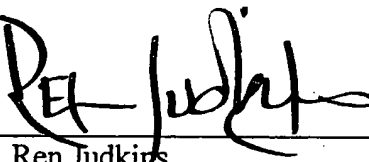
In re: Patent Application of:)	Examiner:
Judkins, Ren)	
)	Group Art Unit:
)	
Application No. 10/568,027)	
)	
Filed: February 10, 2006)	
)	
For: METHOD AND APPARATUS FOR)	
MAKING CELLULAR MATERIAL)	
USING SLOW CURE ADHESIVES)	

CURRENT INVENTOR'S STATEMENT

I consent to the addition of John Rupel as an inventor to the above-captioned patent application because an error occurred in failing to name Mr. Rupel as an inventor. This error occurred without deceptive intent on my part.

Dated: March 22, 2006

By: _____


Ren Judkins

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of:)	Examiner:
Judkins, Ren .)	
)	Group Art Unit:
)	
Application No. 10/568,027)	
)	
Filed: February 10, 2006)	
)	
For: METHOD AND APPARATUS FOR)	
MAKING CELLULAR MATERIAL)	
USING SLOW CURE ADHESIVES)	

STATEMENT OF JOHN RUPEL

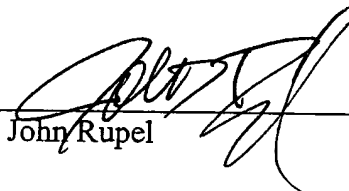
I request to be added as a co-inventor in the above-titled application because an error occurred in failing to name me as an inventor. This error occurred without deceptive intent on my part.

Dated: March 13, 2006

Respectfully submitted,

By: _____

John Rupel





14 JUN 2006

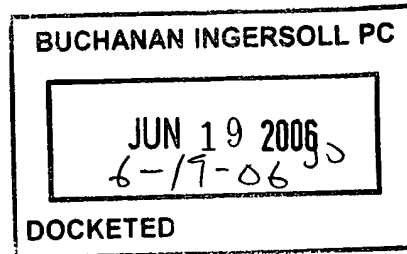
UNITED STATES PATENT AND TRADEMARK OFFICE

0029616-000327

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 Alexandria, VA 22313-1450
 www.uspto.gov

060068

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 Buchanan Ingersoll, PC
 One Oxford Centre
 301 Grant Street, 20th Floor
 Pittsburgh, PA 15219-1410



0029616-000327

LJA

Request for Reconsideration
 Due 8/14/07

In re Application of
 JUDKINS, et al.
 Application No.: 10/568,027
 PCT No.: PCT/US04/28557
 Int. Filing Date: 02 September 2004
 Priority Date: 02 September 2003
 Atty. Docket No.: 060068
 For: METHOD AND APPARATUS FOR MAKING
 CELLULAR MATERIAL USING SLOW CURE
 ADHESIVES

DECISION ON PETITION

UNDER 37 CFR 1.497(d)

This decision is in response to applicant's "Request For Correction of Inventorship Under 37 CFR 1.48(a)" filed 27 March 2006 in the United States Patent and Trademark Office (USPTO). The petition is being treated as a request under 37 CFR 1.497(d).

BACKGROUND

On 02 September 2004, applicant filed international application PCT/US04/28557, which claimed priority of an earlier application filed 02 September 2003. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 02 March 2006.

On 10 February 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Information Disclosure Statement; a copy of the declaration filed with the international application and a First Preliminary Amendment.

On 27 March 2006, applicant filed the present request which is being treated as a petition under 37 CFR 1.497(d).

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

- (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) the fee set forth in 37 CFR 1.17(i); and
- (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b); and
- (4) any new oath or declaration required by paragraph (f) of this section.

Applicant has satisfied items (1) - (3).

Regarding item (4), as the declaration filed under PCT Rule 4.17 in the international application did not identify both inventors, applicant is required to file a compliant oath or declaration pursuant to 37 CFR 1.497(a) which identifies, and is executed by, both inventors.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file any request for reconsideration. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

DECLARATION FOR PATENT APPLICATION**Docket No. 060068**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Method and Apparatus for Making Cellular Material Using Slow Cure Adhesives

_____, the
specification of which (check one):

_____ is attached hereto
X _____ was filed on February 10, 2006 as Application Serial No. 10/568,027
_____ and was amended on _____, if applicable

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	Priority Claimed
	Yes No
_____ (Number)	_____ (County)
_____ (Date/Month/Year Filed)	

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>PCT/US04/28557</u> (Application Serial No.)	<u>Sept. 2, 2004</u> (Filing Date)	<u>Abandoned (Pending when 10/568,027 was filed)</u> (Status: patented, pending, abandoned)
<u>60/499,478</u> (Application Serial No.)	<u>Sept. 2, 2004</u> (Filing Date)	<u>Abandoned (Pending when PCT/US04/28577 was filed)</u> (Status: patented, pending, abandoned)

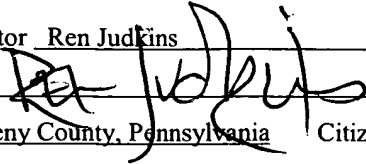
I hereby appoint the Practitioners associated with Customer Number 23464 as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Address all telephone calls to Lynn J. Alstadt

Address all correspondence to Buchanan Ingersoll Professional Corporation
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, Pennsylvania 15219-1410
412-562-1632

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Ren Judkins

Inventor's Signature 

Date

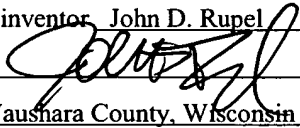
06/26/06

Residence Pittsburgh, Allegheny County, Pennsylvania

Citizenship USA

Post Office Address 46 Newgate Road, Pittsburgh, PA 15202

Full name of second joint inventor John D. Rupel

Inventor's Signature 

Date

06/26/06

Residence Pine River, Waushara County, Wisconsin

Citizenship

USA

Post Office Address W4072 Acorn Court, Pine River, Wisconsin 54954